

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CHARLES ERNEST ROBINSON,
Petitioner,
vs.
BRIAN E. WILLIAMS, SR., *et al.*,
Respondents.

Case No. 2:14-cv-02023-RFB-VCF
ORDER

This habeas matter is before the court on petitioner's second motion for appointment of counsel (ECF #16). As this court previously explained, there is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir.1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir.1986), cert. denied, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), cert. denied, 469 U.S. 838 (1984). However, counsel must be appointed if the complexities of the case are such that denial of counsel would amount to a denial of due process, and where the petitioner is a person of such limited education as to be incapable of fairly presenting his claims. *See Chaney*, 801 F.2d at 1196; *see also Hawkins v. Bennett*, 423 F.2d 948 (8th Cir.1970).

Petitioner's form motion provides no further arguments as to why counsel should be appointed in this case. The court has reviewed the docket again and remains of the view that the petition on file

1 in this action appears sufficiently clear in presenting the issues that petitioner wishes to raise. The legal
2 issues do not appear to be particularly complex, and therefore, counsel is not justified. Petitioner's
3 second motion for counsel is denied.

4 **IT IS THEREFORE ORDERED** that petitioner's second motion for appointment of counsel
5 (ECF #16) is **DENIED**.

6 **IT IS FURTHER ORDERED** that petitioner's motion for extension of time to respond to the
7 motion to dismiss (ECF #15) is **GRANTED**. Petitioner shall have **forty-five (45) days** from the date
8 of this order to file and serve his response to the motion to dismiss.

9 Dated: July 20, 2015

10
11 

12 RICHARD F. BOULWARE, II
13 UNITED STATES DISTRICT JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28